IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 592 OF 2005
IN
CRIMINAL MISC. APPLICATION NO. 5333 OF 2004
IN
CRIMINAL APPEAL NO.952 OF 2004

Shrihari Rajlingam Guntuka Applicant
(original accused no.1)

vs.

State of Maharashtra Respondent

Mr.A. Majid Menon i/b. Mr.Sayyed Wajid Hussain for the applicant.

Ms.V.R.Bhonsale, APP for the State.

CORAM : R. M. LODHA &
R. S. MOHITE,JJ.

DATED : 3rd February 2005

P.C.

Heard Mr.A.Majid Menon, the learned counsel for the applicant and Ms.V.R.Bhonsale, the learned APP for the State.

2. The applications for bail made by the applicant during the pendency of the appeal have been dismissed twice; first on 17th August 2004 and the second on 25th October 2004. However while rejecting the second bail application on merits vide order dated 25th October 2004 this Court granted temporary bail to the applicant in view of the fact that his wife was in advance pregnancy. The said temporary bail came to be extended by the order

dated 3rd December 2004. By means of this criminal Application, the applicant prays that period of temporary bail be further extended on compassionate grounds.

3. During the course of hearing of this Criminal Application, the learned counsel tendered certificate from Dr. Mukesh Agrawal (Consultant Pediatrician) certifying that the applicant's infant child is suffering from acute bronchiolitis. The learned counsel for the accused-applicant submits that applicant's wife is unwell and the infant child is suffering from acute bronchiolitis and there is no female member in the family for taking their care and, therefore, on compassionate and medical grounds the period of temporary bail be further extended.

4. The learned APP left the matter to the Court.

5. We are of the firm view that misplaced sympathy may do more harm to the criminal justice system. Justice may be supplemented with mercy but all mercy is no justice.

6. Keeping in view the fact that there is no female member in the family of the accused and the fact that his wife and his infant child are not well and the

infant child is being hospitalised, by way of last chance, we extend the period of temporary bail until 14.03.2005. The accused-applicant shall surrender before the concerned Jail Authorities on 15.03.2005. We make it clear that no further indulgence would be shown by this Court in extending the period of temporary bail and any further application for extension by the applicant shall be viewed as a dishonest and malafide attempt.

7. Criminal application stands disposed of accordingly.

(R.M. LODHA,J.)

(R.S. MOHITE,J.)